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MALCOLM M. SYNIGAL, SR. and ANGELA M.
SYNIGAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

METROPOLITAN DIRECT PROPERTY
AND CASUALTY INSURANCE
COMPANY, a Rhode Island Corporation,

Plaintiff,

v.

MALCOLM M. SYNIGAL, SR., an
individual, and ANGELA M. SYNIGAL,
an individual, and DANITA KING, an
individual,

Defendants.

Case No. C-07-5466 JL

**NOTICE OF MOTION TO DISMISS OR,
IN THE ALTERNATIVE, TO STAY THIS
DECLARATORY RELIEF ACTION**

Date: January 23, 2008
Time: 9:30 a.m.
Judge: The Honorable James Larsen
Courtroom: F, 15th Floor

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on January 23, 2008, at 9:30 a.m., or as soon thereafter as this matter can be heard before The Honorable James Larsen, Courtroom F, located at 450 Golden Gate Avenue, San Francisco, California 94012, defendants Malcolm Synigal and Angela Synigal will move this Court for an order dismissing or, in the alternative, staying this declaratory relief action pursuant to this Court's authority under the Declaratory Judgments Act, 28 U.S.C. §§2201 and 2202.

This motion is made on the grounds that declaratory relief is inappropriate where, as here, the determination of coverage depends on resolution of factual issues that already are pending in a

1 parallel state action. This motion will be based on this notice, the accompanying memorandum of
2 points and authorities, the accompanying declaration of Lori Sebransky (with accompanying
3 exhibits), as well as the pleadings, records and files in this action.

4 Dated: December 3, 2007

LOMBARDI, LOPER & CONANT, LLP

6 By: /s/ Lori A. Sebransky

LORI A. SEBRANSKY

Attorneys for Defendants

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